

MINUTES OF THE NHLC
DIVISION OF ENFORCEMENT & LICENSING MEETING
FOR WEDNESDAY, SEPTEMBER 5, 2012

1. LICENSEES WHO HAVE NOT ATTENDED MANDATORY TRAINING:

None

2. HEARINGS SCHEDULED AT THE LIQUOR COMMISSION, 50 STORRS STREET, CONCORD, NH:

September 12, 2012 @ 2:00 p.m.

Alburritos Mexican Restaurant, 406 Union Street, Littleton, NH.
Restaurant On-Premise Beverage/Wine/Liquor License #1398503.
Licensed pursuant to RSA 178:21.

Cited for violation of RSA 179:5, I - served or sold an alcoholic beverage to an individual who was visibly intoxicated or who a reasonable and prudent person would know is intoxicated.

Date of violation: March 9, 2012.

Case #12-81-OF.

HEARING SCHEDULED AT THE DIVISION OF ENFORCEMENT, 57 REGIONAL DRIVE, CONCORD, NH:

None

3. WARNING LETTERS/FINES/SUSPENSIONS/MANDATORY TRAINING FOR COMMISSION APPROVAL:

Downtown Discount Beverage, 257 Central Avenue, Dover, NH.
Combination License #3283547.

Licensed pursuant to RSA 178:18.

Cited for violation of RSA 179:5, I - served or sold an alcoholic beverage to an underage person.

Date of violation: December 29, 2011.

Case #: 12-14-OF.

Recommendation: Settlement reached for \$500 administrative fine, four (4) points assessed to the liquor license and the license to sell alcohol suspended for four (4) days with two (2) days held in abeyance for twelve (12) months pending no like violation commencing September 12, 2012 with re-grant on September 14, 2012.

COMMISSION APPROVED.

4. NOTIFICATION OF NON-CONTESTED TITLE XIII VIOLATION FINES PAID IN FULL:

None

5. NOTIFICATION OF COMPLIANCE CHECKS SCHEDULED WITHIN NINETY (90) DAYS:

None

6. NOTIFICATION OF ALCOHOL COMPLIANCE CHECKS:

None

7. NOTIFICATION OF TOBACCO COMPLIANCE CHECKS:

None

8. NOTIFICATION OF NEW APPROVED LICENSES:

Y-Store-It LLC DBA Competition Complex, 478 US Route 4, Canaan, NH 03741.
Issued Restaurant On-Premise Beverage/Wine License #1454603 pursuant to RSA 178:20.
COMMISSION ACKNOWLEDGED.

9. NOTIFICATION OF APPROVED SOLICITORS/REPRESENTATIVE & DIRECT SHIPPER APPLICATIONS:

TOTAL NUMBER OF ACTIVE DIRECT SHIPPER PERMITS ENDING SEPTEMBER 4, 2012: 1,001

- a. Accolade Wines North America, Inc. DBA Geysler Peak Winery, 22281 Chianti Road, Geyserville, CA 95441.
Issued Direct Shipper Permit #8200233 pursuant to RSA 178:27.
COMMISSION ACKNOWLEDGED.
- b. Artisanal Imports, Inc., 1305 West Oltorf, Suite 300, Austin, TX 78704.
Issued Beverage Vendor License #65131 pursuant to RSA 178:15.
Manufacturer: Brasserie St. Fueillien, Le Roeulx, Belgium.
COMMISSION ACKNOWLEDGED.
- c. Artisanal Imports, Inc., 1305 West Oltorf, Suite 300, Austin, TX 78704.
Issued Beverage Vendor License #65231 pursuant to RSA 178:15.
Manufacturer: Meantime Brewing Co., London, UK.
COMMISSION ACKNOWLEDGED.
- d. Artisanal Imports, Inc., 1305 West Oltorf, Suite 300, Austin, TX 78704.
Issued Beverage Vendor License #65331 pursuant to RSA 178:15.
Manufacturer: Brouwerij de Koningsheven B.V. (La Trappe) Tilburg, Netherlands.
COMMISSION ACKNOWLEDGED.
- e. Dawn's Dream LLC, 18181 Cachaqua Road, Carmel Valley, CA 93924.
Issued Direct Shipper Permit #8200033 pursuant to RSA 178:27.
COMMISSION ACKNOWLEDGED.
- f. Fontanella Wines LLC DBA Fontanella Family Winery, 1721 Patrick Road, Napa, CA 94558.
Issued Direct Shipper Permit #8200133 pursuant to RSA 178:27.
COMMISSION ACKNOWLEDGED.
- g. Hope Beverage LLC, 575 Carowinds Boulevard, Fort Mill, SC 29708.
Issued Beverage Vendor License #63831 pursuant to RSA 178:15.
Manufacturer: Mendocino Brewing Company.
COMMISSION ACKNOWLEDGED.
- h. Mettler & Son, Inc. DBA Harney Lane Winery, 9010 East Harney Lane, Lodi, CA 95240.
Issued Direct Shipper Permit #8199933 pursuant to RSA 178:27.
COMMISSION ACKNOWLEDGED.
- i. Testa Wines of the World Ltd., 21 Audrey Avenue, Suite 3, Oyster Bay, NY 11771.
Issued Liquor Wine Vendor License #106445 pursuant to RSA 178:9.
COMMISSION ACKNOWLEDGED.
- j. Timeless Wines LLC, 134 Windy Hill Lane, Unit 2-2, Winchester, VA 22602.
Issued Direct Shipper Permit #8199833 pursuant to RSA 178:27.
COMMISSION ACKNOWLEDGED.
- k. United States Distilled Products Company DBA Prestige Wine Group, 1607 South 12th Street, Princeton, MN 55371.
Issued Beverage Vendor License #62531 pursuant to RSA 178:15.
Manufacturer: Imbuko Wines (Ptr.) Ltd., South Africa.
COMMISSION ACKNOWLEDGED.

10. CANCELLATION OF PERMITS FOR COMMISSION APPROVAL:

None

11. **NOTIFICATION OF APPROVED PETITIONS:**

- a. Boston Culinary Group, Inc., 719 Cherry Valley Road, Gilford, NH 03246.
Sports Recreation Facility On-Premise Cocktail Lounge License #572305.
Licensed pursuant to RSA 178:22, V.
Requests approval for other areas, to wit, an outside fenced area with a capacity of 5,000-6,000 on September 15, 2012 from 10:00am to 5:00pm sanctioned off appropriately pursuant to RSA 178:24 and Liq. 404.05.
COMMISSION ACKNOWLEDGED.
- b. Club Social, Inc., 240 Main Dunstable Road, Nashua, NH 03060.
Social Club On-Premise Cocktail Lounge License #16501.
Licensed pursuant to RSA 178:22, V.
Requests approval to transfer license to other location, to wit, to transfer the license to Hudson Fish and Game Club, 53 Pine Road, Hudson NH on August 25, 2012 from 10:00am to 5:00pm pursuant to RSA 178:25.
COMMISSION ACKNOWLEDGED.
- c. Craft Brew Alliance, Inc. DBA Redhook Ale Brewery,
1 Redhook Way, Pease International, Portsmouth, NH 03801.
Restaurant On-Premise Cocktail Lounge License #1036603.
Licensed pursuant to RSA 178:22, V.
Requests approval for other areas, to wit, four outside tented areas with a total capacity of 926 on August 18, 2012 from 1:00pm to 10:00pm sanctioned off appropriately pursuant to RSA 178:24 and Liq. 404.05.
COMMISSION ACKNOWLEDGED.
- d. Galley Hatch Restaurant, Inc., Route 1, Winnacunnet Road, Hampton, NH 03842.
Restaurant On-Premise Cocktail Lounge License #297703.
Licensed pursuant to RSA 178:22, V.
Requests approval for other areas, to wit, an inside area where a Retail Wine license was previously authorized and an outside patio area with a capacity of 16 sanctioned off appropriately pursuant to RSA 178:24 and Liq. 404.05.
COMMISSION ACKNOWLEDGED.
- e. Galley Hatch Restaurant, Inc. DBA Provisions, 325 Lafayette Road, Hampton, NH 03842.
Retail Table Wine Off-Premise Wine License #3146346.
Licensed pursuant to RSA 178:19.
Requests approval for authorization to transfer wine products to another licensed premise, to wit, to close the current business and transfer the wine products to Galley Hatch Restaurant, Inc. Route 1, Winnacunnet Road, Hampton, NH, License #297703 pursuant to RSA 178:29, VIII.
COMMISSION ACKNOWLEDGED.
- f. Inn at Pleasant Lake Corporation, 853 Pleasant Street, New London, NH 03257.
Restaurant On-Premise Beverage/Wine/Liquor License #1059203.
Licensed pursuant to RSA 178:21.
Requests approval for other areas, to wit, an outside tented area with a capacity of 120 on August 25, 2012 and September 8, 2012 from 5:00pm to 11:00pm sanctioned off appropriately pursuant to RSA 178:24 and Liq. 404.05.
COMMISSION ACKNOWLEDGED.
- g. Koszco Street Pub, Inc. DBA Wild Rover Pub, 21 Kosciuszko Street, Manchester, NH 03102.
Restaurant On-Premise Cocktail Lounge License #258403.
Licensed pursuant to RSA 178:22, V.
Requests approval for other areas, to wit, an outside tented area with a capacity of 2,000 on September 16, 2012 from 10:00am to 6:00pm sanctioned off appropriately pursuant to RSA 178:24 and Liq. 404.05.
COMMISSION ACKNOWLEDGED.

- h. MYA Pos Services LLC DBA Gusanoz Mexican Restaurant, 422 Miracle Mile, Suite 9, Lebanon, NH 03766. Restaurant On-Premise Beverage/Wine/Liquor License #1298103. Licensed pursuant to RSA 178:21. Requests approval for other areas, to wit, an outside patio area with a capacity of 15 sanctioned off appropriately pursuant to RSA 178:24 and Liq. 404.05.
COMMISSION ACKNOWLEDGED.
- i. Palace Theatre Trust DBA Palace Theatre, 80 Hanover Street, Manchester, NH 03101. Performing Arts Facility On-Premise Cocktail Lounge License #388108. Licensed pursuant to RSA 178:22, V. Requests approval for other areas, to wit, an outside fenced area with a capacity of 240 on September 7 & 8, 2012 sanctioned off appropriately pursuant to RSA 178:24 and Liq. 404.05.
COMMISSION ACKNOWLEDGED.
- j. Pinarville Athletic Club, 15 Pershing Street, Goffstown, NH 03045. Social Club On-Premise Cocktail Lounge License #12501. Licensed pursuant to RSA 178:22, V. Requests approval for other areas, to wit, an outside fenced parking lot area on August 25, 2012 from 11:00am to 6:30pm sanctioned off appropriately pursuant to RSA 178:24 and Liq. 404.05.
COMMISSION ACKNOWLEDGED.
- k. Saint Shivji, Inc. DBA Jewel of India, 27 Lebanon Street, Hanover, NH 03755. Restaurant On-Premise Beverage/Wine License #479303. Licensed pursuant to RSA 178:20. Requests approval for other areas, to wit, an outside patio area with a capacity of 26 sanctioned off appropriately pursuant to RSA 178:24 and Liq. 404.05.
COMMISSION ACKNOWLEDGED.
- l. Soiree Cakery LLC DBA Butter's Fine Food & Wine, 70 North Main Street, Concord, NH 03301. Combination Off-Premise Beverage/Wine License #3251447. Licensed pursuant to RSA 178:18. Requests approval for authorization to transfer business location, to wit, to close the current business and transfer it and its supplies from 70 North Main Street, Concord, NH to a new location at 249 Sheep David Road, Concord, NH pursuant to RSA 178:29, VIII. Recommendation: Approval.
COMMISSION ACKNOWLEDGED.
- m. Sweet Baby Vineyard LLC, 204 South Road, Kensington, NH 03833. Wine Manufacturer License #562430. Licensed pursuant to RSA 178:8. Requests approval for authorization to transfer business location, to wit, to close the current business and transfer it and its supplies from 204 South Road, Kensington, NH to a new location at 14 Pow Wow Road, East Kingston, NH pursuant to RSA 178:29, VIII. Recommendation: Approval.
COMMISSION ACKNOWLEDGED.
- n. Wal-Mart Stores East LP DBA Wal Mart Store 1753, 30 Manchester Road, Derry, NH 03038. Combination Off-Premise Beverage/Wine/Tobacco License #3212347. Licensed pursuant to RSA 178:18. Requests approval for authorization to transfer business location, to wit, to close the current business then transfer it and its supplies from 30 Manchester Road, Derry, NH to the new location at 11 Ashleigh Drive, Derry, NH pursuant to RSA 178:29, VIII. Recommendation: Approval.
COMMISSION ACKNOWLEDGED.
- o. White Lake Inn and Tavern LLC, 1536 White Mountain Highway, Tamworth, NH 03886. Hotel On-Premise Cocktail Lounge License #368702. Licensed pursuant to RSA 178:22, V. Requests approval for other areas, to wit, an outside patio area with a capacity of 40 sanctioned off appropriately pursuant to RSA 178:24 and Liq. 404.05.
COMMISSION ACKNOWLEDGED.

12. **COMMISSION DECISIONS PENDING AFTER AGENDA MEETING:**

None

13. **COMMISSION DECISIONS PENDING AFTER HEARING:**

McCue's Billiards & Sports Lounge, 12 Emerald Street, Keene, NH.

Sports Entertainment License #2503405.

Licensed pursuant to RSA 178:20, (u)(1).

Cited for violation of RSA 179:5, I - served or sold an alcoholic beverage to an individual who was visibly intoxicated or who a reasonable and prudent person would know is intoxicated.

Date of violation: October 16, 2010.

Case #: 10-548-OF.

ASSENTED-TO MOTION TO CONTINUE HEARING SCHEDULED FOR MARCH 26, 2012 FILED BY THE LICENSEE AND GRANTED BY THE COMMISSION.

ASSENTED-TO MOTION TO CONTINUE HEARING SCHEDULED FOR MAY 11, 2012 FILED BY THE DIVISION OF ENFORCEMENT AND GRANTED BY THE COMMISSION.

HEARING COMMENCED JUNE 18, 2012 AND WILL CONTINUED ON AUGUST 3, 2012.

HEARING WAS CONTINUED AND CLOSING ARGUMENTS WERE HEARD ON AUGUST 3, 2012.

DELIBERATIONS WERE HELD AUGUST 22, 2012 AT 2:00 P.M. AT COMMISSION OFFICES.

THE COMMISSION ISSUED A DECISION ON AUGUST 23, 2012 INDICATING THAT THE PETITIONER HAS PRESENTED SUFFICIENT PROOF BY A PREPONDERANCE OF THE EVIDENCE TO SUSTAIN THE ASSERTIONS OF THE PETITIONER IN CONCURRENCE WITH TITLE XIII REVISED STATUTES ANNOTATED THAT LICENSEE #2503405 IS IN VIOLATION OF RSA 179:5,I, IN THAT A REASONABLE AND PRUDENT PERSON SHOULD HAVE STOPPED SERVING ALCOHOL TO MR. MASTERSON PRIOR TO 10:30 PM ON OCTOBER 16, 2010; THE LICENSEE SERVED OR SOLD AN ALCOHOLIC BEVERAGE TO AN INDIVIDUAL WHO A REASONABLE AND PRUDENT PERSON WOULD KNOW IS INTOXICATED; THE COMMISSION ORDERS THE PARTIES TO SUBMIT, WITHIN TEN CALENDAR DAYS FROM THE DATE OF THE DECISION AND ORDER, RECOMMENDED PENALTIES AS ASSOCIATED WITH THE CONCLUSION OF LAW; ONCE RECEIVED AND CONSIDERED, A FINAL DISPOSITION AND ORDER SHALL BE ISSUED.

14. **MISCELLANEOUS ITEMS FOR COMMISSION APPROVAL:**

a. Chronic Cellars, Inc., 2025 Nacimiento Lake Drive, Paso Robles, CA 93446.
Pending Direct Shipper Permit.

Recommendation: **CHANGED TO TABLE.**

ITEM APPROVED TO BE TABLED ON AUGUST 22, 2012.

b. Millercoors LLC, 311 10th Street, Golden, CO 80401.

Beverage Vendor license #45431.

Licensed pursuant to RSA 178:15.

Requests approval of Crispin The Saint with an alcohol content of 6.9%; Crispin Honey Crisp with an alcohol content of 6.5% percent; Crispin Lansdowne with an alcohol content of 6.9%; and Crispin Cho-tokkyu with an alcohol content of 6.5% at 60 degrees Fahrenheit by volume pursuant to RSA 178:1, LXIV-a and 179:40-a.

Recommendation: Approval.

TABLED ON AUGUST 1, 2012.

TO REMAIN TABLED; A HEARING WILL BE SCHEDULED.

c. Peachy Canyon Winery, 2025 Nacimiento Lake Drive, Paso Robles, CA 93446.
Pending Direct Shipper Permit.

Recommendation: **CHANGED TO TABLE.**

ITEM APPROVED TO BE TABLED ON AUGUST 22, 2012.

15. **EXECUTIVE SESSION ITEMS:**

None